

**AFFIDAVIT OF JACQLEEN CUNNINGHAM  
IN SUPPORT OF APPLICATION FOR A CRIMINAL COMPLAINT  
AND A SEARCH WARRANT**

I, Jacqleen Cunningham, having been duly sworn, do hereby depose and state as follows:

**Agent Background**

1. I am a Special Agent with Homeland Security Investigations (“HSI”) and have been so employed since June 2010. I have successfully completed a training program in conducting criminal investigations at the Federal Law Enforcement Training Center in Brunswick, Georgia. In 2007, I graduated from Sacred Heart University with a Bachelor of Science degree in Criminal Justice. My current assignment as an HSI Special Agent includes conducting and participating in investigations involving the fraudulent acquisition, production, and misuse of United States immigration documents, United States passports, and various identity documents. Due to my training and experience as well as conversations with other law enforcement officers, I am familiar with the methods, routines, and practices of document counterfeiters, vendors, and persons who fraudulently obtain or assume false identities.

2. I am also a member of HSI’s Document and Benefit Fraud Task Force (“DBFTF”), a specialized field investigative group comprised of personnel from

various local, state, and federal agencies with expertise in detecting, deterring, and disrupting organizations and individuals involved in various types of document, identity, and benefit fraud schemes. The DBFTF is currently investigating suspected aliens who are believed to have obtained stolen identities of United States citizens born in Puerto Rico. Many of these individuals used the identities to obtain public benefits which they would not otherwise be eligible to receive, including Massachusetts Registry of Motor Vehicles (“RMV”) identity documents, social security numbers, and Medicaid, and to engage in suspicious financial transactions, including transferring funds.

#### **Purpose of Affidavit**

3. I submit this affidavit in support of an application for a criminal complaint charging Freddy TEJADA-DIAZ (*a/k/a* Freddy Tejada Zapata)<sup>1</sup> with false representation of a social security number, in violation of 42 U.S.C. § 408(a)(7)(B), and aggravated identity theft, in violation of 18 U.S.C. § 1028A.

4. I also submit this affidavit in support of an application for a search warrant for the following premises: 149 Oxford Street, Apartment 1, Lawrence, Massachusetts, as described in Attachment A. I have probable cause to believe that

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<sup>1</sup> Freddy Tejada-Diaz (*a/k/a* Freddy Tejada Zapata) has utilized multiple aliases. Other aliases include Fredy Zapata, Freddy Tejadadia, Fred Lopez and Fredy Antonio Zapata-Soto. Freddy Tejada-Diaz (*a/k/a* Freddy Tejada Zapata) will be the name throughout this affidavit used to identify this defendant.

this property contains evidence, fruits, and instrumentalities of the crimes identified above, as described in Attachment B.

5. This affidavit is based on my personal knowledge, information provided to me by other law enforcement officers and federal agents, and my review of records described herein. This affidavit is not intended to set forth all information that I have learned during this investigation but includes only the information necessary to establish probable cause for the requested complaint and search warrant.

### **Probable Cause**

#### **The RMV Application**

6. On or about August 8, 2016, a man purporting to be O.R.C.<sup>2</sup>, later identified as Freddy TEJADA-DIAZ (*a/k/a* Freddy Tejada Zapata), appeared in person at a Boston branch of the RMV and submitted a renewal application for a Massachusetts driver's license. A photograph was taken during this visit and is stored in the RMV database. The applicant represented himself on the application as O.R.C., a United States citizen, with a date of birth xx/xx/1962 and Social Security Number ("SSN") of xxx-xx-0246. He signed the application under penalty

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<sup>2</sup> The identity of the victim, O.R.C., is known to the government. These initials represent the victim's first name, paternal last name and maternal last name. To protect the victim's privacy, only the initials "O.R.C." and "O.C." are used in this affidavit to reflect the variations of the victim's full name that were used by TEJADA ZAPATA.

of perjury. The RMV granted the purported O.R.C.'s application for a Massachusetts driver's license and issued Sxxxx3122.

7. On at least two prior dates, a man purporting to be O.R.C., with the same date of birth xx/xx/1962 and SSN xxx-xx-0246, applied for and obtained a Massachusetts driver's license. On September 30, 1996, a man purporting to be O.R.C. applied for a Massachusetts identification card. Also on June 22, 2006, a man purporting to be O.R.C. renewed his Massachusetts driver's license. Photographs were taken on each of these visits and are also stored in the RMV database. I have compared these two photographs to the photograph taken on August 8, 2016 of the man purporting to be O.R.C. and believe they all depict the same person.

#### **Confirmation of Valid Social Security Number**

8. The Social Security Administration ("SSA") confirmed that SSN xxx-xx-0246 is assigned to O.R.C. A total of four social security card applications associated with SSN xxx-xx-0246 have been filed at SSA offices in Puerto Rico from 1979-2017.

#### **MassHealth Records**

9. MassHealth is the Massachusetts Medicaid program. According to MassHealth records, between May 2013 and in or about August 2018, multiple documents were submitted to MassHealth in the O.C. and O.R.C. identity, using

SSN xxx-xx-0246. The address on file is 149 Oxford Street, Lawrence, MA as of March 22, 2019.

### **Department of Labor Records**

10. Based on information obtained by U.S. Department of Labor, Office of Inspector General (“USDOL-OIG”), earnings were reported to the Commonwealth of Massachusetts on SSN xxx-xx-0246 in the following time periods: third and fourth quarter of 2013; all four quarters of 2014; first and second quarter of 2015; all four quarters of 2016; first, third and fourth quarters of 2017; and first, second and third quarters of 2018 (total of eighteen quarters).

### **Criminal History**

11. A review of the criminal history for O.R.C. with the date of birth of xx/xx/1962 and SSN xxx-xx-0246, yields FBI number 622615LA6. FBI numbers are based on fingerprints, meaning that all of the fingerprints taken in connection with arrests match, and therefore, are generated from the same person. Corresponding to this FBI number were multiple arrests from various jurisdictions. In November 1993, Brockton Police Department arrested a man purporting to be Freddy T. Zapata on drug charges. This man provided a date of birth of xx/xx/1967. Freddy T. Zapata was later indicted out of Plymouth Superior Court for Distribution of Cocaine within a school zone for this November 1993 arrest. This man failed to appear in both Plymouth Superior Court and Brockton District

Court and because of this, there are two outstanding warrants for his arrest. Also corresponding to this FBI number are certain encounters with immigration authorities, including one from July 1996, when United States Border Patrol in El Paso, Texas encountered a man purporting to be Freddy Tejada-Diaz. A review of the Alien file corresponding to Freddy Tejada-Diaz shows that an order of deportation was issued on September 5, 1996 in New York. Finally, this FBI number corresponds to a November 1999 arrest out of Salem, New Hampshire of a man purporting to be O.R.C.<sup>3</sup> on charges of shoplifting. During the arrest, the man purporting to be O.R.C. presented a Massachusetts driver's license bearing license no. xxxxx0246.<sup>4</sup> I obtained and reviewed a copy of the booking photograph corresponding to the Salem, New Hampshire arrest of O.R.C.<sup>5</sup> I believe this photograph depicts the same man as depicted in the three RMV photographs outlined in paragraphs 6 and 7.

**Identification of TEJADA-DIAZ (a/k/a TEJADA ZAPATA)**

12. An investigator located Alien Number 074-572-438 which was associated with FBI number 622615LA6. The name of the individual associated

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<sup>3</sup> The last name starting with C was not the same as victim O.R.C., however was one letter off.

<sup>4</sup> At this time, the RMV assigned license numbers by SSNs. The MA license presented on the date of this arrest contained the same numbers as O.R.C.'s SSN of xxx-xx-0246.

<sup>5</sup> The name on the booking photograph is D.V. (a name known to me, but completely unassociated with our investigation). I do not believe that the arrested individual provided the name D.V. but instead believe this was a clerical error by Salem's police department. From my review of the report, the individual arrested provided the name and SSN of O.R.C.

with this Alien Number is Freddy Tejada-Diaz with date of birth xx/xx/1967. A photograph of this individual is contained in the Alien File. Also in the Alien File for Alien Number 074-572-438 are fingerprint cards from Freddy Tejada-Diaz's July 13, 1996 encounter with United States Border Patrol. These fingerprints were compared to the fingerprints corresponding to FBI number 622615LA6. On April 9, 2019, a fingerprint specialist assigned to the forensic laboratory of the United States Department of Homeland Security found that the fingerprints were a match and were generated from the same person.

13. Also within the Alien File corresponding to Freddy Tejada-Diaz date of birth xx/xx/1967 is a copy of a Dominican Republic Passport issued in the name Freddy Tejada Diaz. Affixed to this passport is a photograph. I believe the passport photograph and the RMV photograph of O.R.C. taken on or about August 8, 2016 depict the same person.

14. An investigator queried the electronic cedula (national ID card) database for the Dominican Republic and identified Freddy TEJADA ZAPATA, date of birth xx/xx/1967, with Dominican Republic cedula number 003-xxxxxxx-4.<sup>6</sup> I believe that the cedula photograph and the RMV photograph of O.R.C. taken on or about August 8, 2016 depict the same person.

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<sup>6</sup> There are two cedula numbers on Freddy Tejada Zapata's cedula. One is the "cedula nueva" which is the above-listed cedula number. The other is the "cedula anterior." The "cedula anterior" number on the cedula for Freddy Tejada Zapata is the same cedula number as the one listed on the Dominican Passport issued in the name Freddy Tejada-Diaz contained in his Alien File.

15. I have compared the following seven photographs and I believe they depict the same person: (a) photo from Dominican Republic cedula number 003-xxxxxxx-4 in the name of TEJADA ZAPATA as discussed in paragraph 14; (b) photograph contained in the Alien File Number 074-572-438 of man assigned this alien number as described in paragraph 12; (c) photograph from Dominican Republic passport in the name of Freddy Tejada-Diaz contained within the Alien File Number 074-572-438 as discussed in paragraph 13; (d) RMV database photograph taken on or about August 8, 2016 of a Massachusetts driver's license renewal applicant purporting to be O.R.C. as discussed in paragraph 6; (e) RMV database photograph taken on or about June 22, 2006 of a Massachusetts driver's license renewal applicant purporting to be O.R.C., as discussed in paragraph 7; (f) RMV database photograph taken on or about September 30, 1996 of a Massachusetts identification card applicant purporting to be O.R.C., as discussed in paragraph 7; and (g) booking photograph from November 1999 arrest of an individual purporting to be O.R.C. in Salem, New Hampshire as discussed in paragraph 11. Accordingly, I believe that the applicant for the renewal of a Massachusetts driver's license in the O.R.C. identity on August 8, 2016 was actually Freddy TEJEDA-DIAZ (*a/k/a* Freddy Tejada Zapata). United States Citizenship and Immigration Services records indicate that TEJEDA-DIAZ (*a/k/a* Tejada Zapata) is unlawfully present in the United States.



16. I have also examined a United States Passport application issued to O.R.C. in 2013, with date of birth xx/xx/1962, SSN xxx-xx-0246 and a mailing address in Puerto Rico. Affixed to the application is a photograph of O.R.C. The man in the photograph attached to this passport application is a different person than the man depicted in the photographs outlined in paragraph 15.

17. The individual depicted in the seven photographs identified in paragraph number 15 is not the individual depicted in the photograph associated with the United States Passport application identified in paragraph 16. I believe the man in the photograph affixed to the passport application as outlined in paragraph 16 is the true O.R.C.

#### **Search for Identification Documents**

18. The listed residential address on file associated with Sxxxx3122 in the name of O.R.C. is 149 Oxford Street, Lawrence, MA.

19. As noted, a man purporting to be O.R.C., using SSN xxx-xx-0246 has a MassHealth Account. The address on file with MassHealth is 149 Oxford Street, Lawrence, MA. Additionally, this individual submitted an "Affidavit of Residency" with MassHealth in the name of O.C. and indicated his address was 149 Oxford Street, Lawrence, MA. The form was signed under the pains and penalties of perjury and dated June 26, 2018.

20. A 1995 Toyota Camry bearing Massachusetts license plate 6GZ247 is registered to O.R.C. with date of birth xx/xx/1962. As of April 1, 2019, the Camry was registered to 149 Oxford Street, Lawrence, MA.

21. On March 11, 2019 at 6:00 pm, an HSI agent observed the above Camry parked on Oxford Street in Lawrence, MA. The vehicle was parked across the street from 149 Oxford Street.

22. On March 14, 2019 at approximately 2:00 pm, DBFTF agents observed a man they believed to be Tejada-Diaz (*a/k/a* TEJADA ZAPATA) get out of the above-mentioned Camry and enter a white front door to 149 Oxford Street, Lawrence, MA. An agent confirmed the man to be the same person as depicted in the photographs described in paragraph 15.

23. On March 20, 2019 at approximately 11:07 am, a Postal Inspector viewed the August 8, 2016 RMV photograph of the purported O.R.C. This Inspector approached the white front door to 149 Oxford Street, Lawrence, MA. An unidentified man answered the front door. The Postal Inspector then walked into the structure and to a door at the end of the first-floor hallway. The Postal Inspector knocked on the door. A man opened the apartment door and greeted the Postal Inspector. The Postal Inspector believed that the man who answered the door was the same man as depicted in the RMV photograph taken on August 8, 2016 as described in paragraphs 6 and 15.

24. I know, based on my training and experience, that:
- a. Individuals often keep identification documents and other evidence of identity for long periods – sometimes years – and tend to retain such documents even when they depart a given residence. Such documents include social security cards, passports, tax returns, legal documents, utility bills, phone bills, health insurance or prescription cards, medical records, marriage licenses, family records, scrapbooks, photographs, diplomas and other school records, birth certificates, immunization records, bank records, credit card statements, personal correspondence and books or mementos on which they have inscribed their names.
  - b. Individuals often keep identification documents and other evidence of identity in their residence, in part to ensure the security of these documents and in part to allow for access to these documents when needed.
  - c. In addition, it is common for those who use other persons' identities without authorization to maintain fraudulently obtained identification documents in secure locations within their residence to conceal them from law enforcement authorities; and,

- d. It is common for individuals who use fraudulently obtained identification documents to retain those documents for substantial periods of time so that they can continue to use the fraudulently obtained identities.

25. All agents participating in the search of the premises described in Attachment A will be informed of the full names represented by the initials that appear in Attachment B.

### **Conclusion**

26. Based on the foregoing, I have probable cause to believe that, on or about August 8, 2016, Freddy TEJADA-DIAZ (*a/k/a* TEJADA ZAPATA):

- a. falsely represented, with intent to deceive and for any purpose, a number to be the social security account number assigned by the Commissioner of Social Security to his, when in fact such number was not the social security account number assigned by the Commissioner of Social Security to him, in violation of 42 U.S.C. § 408(a)(7)(B); and
- b. knowingly transferred, possessed, and used, during and in relation to any felony violation enumerated in 18 U.S.C. § 1028A(c), and without lawful authority, a means of identification of another person, in violation of 18 U.S.C. § 1028A.

19-MJ-6268-MPK

19-MJ-6269-MPK

27. Based on the foregoing, I have probable cause to believe that evidence, fruits, and instrumentalities of these crimes, as described in Attachment B, are located in the premises described in Attachment A.

Sworn to under the pains and penalties of perjury.

  
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JACQUEEN CUNNINGHAM  
Special Agent  
Homeland Security Investigations

Subscribed and sworn before me on this 16<sup>th</sup> day of April, 2019

  
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HONORABLE M. PAGE KELLEY  
United States Magistrate Judge

